

Remarks

In the Office Action, a restriction/election requirement has been made under 35 U.S.C. § 121, requiring Applicants to elect one of the following species:

- Group I: Claims 1-19, 21-22, 24-25, 27-31, 34-35, 37-41, and 43-45, directed to devices including a catheter for delivering a therapeutic agent and an electrode array configured to steer the therapeutic agent along a predetermined path.
- Group II: Claims 46-54, directed to a device having a catheter with electrodes arranged on the exterior of the catheter, with porous extensions of the electrodes passing through a wall of the catheter into the lumen.
- Group III: Claims 55-63, directed to a plurality of electrodes and a catheter with a plurality of diverging distal ends.

Applicants hereby elect, without traverse, Group I, claims 1-19, 21-22, 24-25, 27-31, 34-35, 37-41, and 43-45, directed to a device including a catheter for delivering a therapeutic agent and an electrode array configured to steer the therapeutic agent along a predetermined path. Claims 46-63 have been canceled in light of this election.

Dependent claims 64-68 are newly added. Claim 64 is supported by at least paragraphs 135-137 and Figs. 30-32 of the specification. Claim 65 is supported by at least paragraphs 139-141. Claim 66 is supported by at least paragraph 119 and Figs. 18-19. Claim 67 is supported by at least paragraph 104. Claim 68 is supported by at least paragraph 128 and Figs. 25e and 25f. No new matter is added by any of the amendments to the claims.

Favorable action on the present application is respectfully requested. Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain any outstanding issues that require adverse action, it is respectfully requested that the Examiner telephone Thomas F. Lebens at (805) 781-2865 so that such issues may be resolved as expeditiously as possible.

Application No. 10/792,256

AMENDMENT AND RESPONSE TO RESTRICTION REQUIREMENT dated February 19, 2009

Responsive to Office Action of November 19, 2008

The Commissioner is hereby authorized to charge any additional fees which may be required with respect to this communication, or credit any overpayment, to Deposit Account No. 50-1616.

Respectfully submitted,

Dated: February 19, 2009

/Mark A. Borsos/

Mark A. Borsos

Registration No. 50,479

SINSHEIMER, JUHNKE LEBENS & McIVOR, LLP

1010 Peach Street

Post Office Box 31

San Luis Obispo, CA 93406